

1 AN ACT concerning environmental protection.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended
5 by changing Section 12.5 as follows:

6 (415 ILCS 5/12.5)

7 Sec. 12.5. NPDES discharge fees; sludge permit fees.

8 (a) Beginning July 1, 2003, the Agency shall assess and
9 collect annual fees (i) in the amounts set forth in
10 subsection (e) for all discharges that require an NPDES
11 permit under subsection (f) of Section 12, from each person
12 holding an NPDES permit authorizing those discharges
13 (including a person who continues to discharge under an
14 expired permit pending renewal), and (ii) in the amounts set
15 forth in subsection (f) of this Section for all activities
16 that require a permit under subsection (b) of Section 12,
17 from each person holding a domestic sewage sludge generator
18 or user permit.

19 Each person subject to this Section must remit the
20 applicable annual fee to the Agency in accordance with the
21 requirements set forth in this Section and any rules adopted
22 pursuant to this Section.

23 (b) Within 30 days after the effective date of this
24 Section, and by May 31 of each year thereafter, the Agency
25 shall send a fee notice by mail to each existing permittee
26 subject to a fee under this Section at his or her address of
27 record. The notice shall state the amount of the applicable
28 annual fee and the date by which payment is required.

29 Except as provided in subsection (c) with respect to
30 initial fees under new permits and certain modifications of
31 existing permits, fees payable under this Section for the 12

1 months beginning July 1, 2003 are due by the date specified
2 in the fee notice, which shall be no less than 30 days after
3 the date the fee notice is mailed by the Agency, and fees
4 payable under this Section for subsequent years shall be due
5 on July 1 or as otherwise required in any rules that may be
6 adopted pursuant to this Section.

7 (c) The initial annual fee for discharges under a new
8 individual NPDES permit or for activity under a new
9 individual sludge generator or sludge user permit must be
10 remitted to the Agency prior to the issuance of the permit.
11 The Agency shall provide notice of the amount of the fee to
12 the applicant during its review of the application. In the
13 case of a new individual NPDES or sludge permit issued during
14 the months of January through June, the Agency may prorate
15 the initial annual fee payable under this Section.

16 The initial annual fee for discharges or other activity
17 under a general NPDES permit must be remitted to the Agency
18 as part of the application for coverage under that general
19 permit.

20 If a requested modification to an existing NPDES permit
21 causes a change in the applicable fee categories under
22 subsection (e) that results in an increase in the required
23 fee, the permittee must pay to the Agency the amount of the
24 increase, prorated for the number of months remaining before
25 the next July 1, before the modification is granted.

26 (d) Failure to submit the fee required under this
27 Section by the due date constitutes a violation of this
28 Section. Late payments shall incur an interest penalty,
29 calculated at the rate in effect from time to time for tax
30 delinquencies under subsection (a) of Section 1003 of the
31 Illinois Income Tax Act, from the date the fee is due until
32 the date the fee payment is received by the Agency.

33 (e) The annual fees applicable to discharges under NPDES
34 permits are as follows:

1 (1) For NPDES permits for publicly owned treatment
2 works, other facilities for which the wastewater being
3 treated and discharged is primarily domestic sewage, and
4 wastewater discharges from the operation of public water
5 supply treatment facilities, the fee is:

6 (i) \$1,500 for facilities with a Design
7 Average Flow rate of less than 100,000 gallons per
8 day;

9 (ii) \$5,000 for facilities with a Design
10 Average Flow rate of at least 100,000 gallons per
11 day but less than 500,000 gallons per day;

12 (iii) \$7,500 for facilities with a Design
13 Average Flow rate of at least 500,000 gallons per
14 day but less than 1,000,000 gallons per day;

15 (iv) \$15,000 for facilities with a Design
16 Average Flow rate of at least 1,000,000 gallons per
17 day but less than 5,000,000 gallons per day;

18 (v) \$30,000 for facilities with a Design
19 Average Flow rate of at least 5,000,000 gallons per
20 day but less than 10,000,000 gallons per day; and

21 (vi) \$50,000 for facilities with a Design
22 Average Flow rate of 10,000,000 gallons per day or
23 more.

24 (2) For NPDES permits for treatment works or sewer
25 collection systems that include combined sewer overflow
26 outfalls, the fee is:

27 (i) \$1,000 for systems serving a tributary
28 population of 10,000 or less;

29 (ii) \$5,000 for systems serving a tributary
30 population that is greater than 10,000 but not more
31 than 25,000; and

32 (iii) \$20,000 for systems serving a tributary
33 population that is greater than 25,000.

34 The fee amounts in this subdivision (e)(2) are in

1 addition to the fees stated in subdivision (e)(1) when
2 the combined sewer overflow outfall is contained within a
3 permit subject to subsection (e)(1) fees.

4 (3) For NPDES permits for mines producing coal, the
5 fee is \$5,000.

6 (4) For NPDES permits for mines other than mines
7 producing coal, the fee is \$5,000.

8 (5) For NPDES permits for industrial activity where
9 toxic substances are not regulated, other than permits
10 covered under subdivision (e)(3) or (e)(4), the fee is:

11 (i) \$1,000 for a facility with a Design
12 Average Flow rate that is not more than 10,000
13 gallons per day;

14 (ii) \$2,500 for a facility with a Design
15 Average Flow rate that is more than 10,000 gallons
16 per day but not more than 100,000 gallons per day;
17 and

18 (iii) \$10,000 for a facility with a Design
19 Average Flow rate that is more than 100,000 gallons
20 per day.

21 (6) For NPDES permits for industrial activity where
22 toxic substances are regulated, other than permits
23 covered under subdivision (e)(3) or (e)(4), the fee is:

24 (i) \$15,000 for a facility with a Design
25 Average Flow rate that is not more than 250,000
26 gallons per day; and

27 (ii) \$20,000 for a facility with a Design
28 Average Flow rate that is more than 250,000 gallons
29 per day.

30 (7) For NPDES permits for industrial activity
31 classified by USEPA as a major discharge, other than
32 permits covered under subdivision (e)(3) or (e)(4), the
33 fee is:

34 (i) \$30,000 for a facility where toxic

1 substances are not regulated; and

2 (ii) \$50,000 for a facility where toxic
3 substances are regulated.

4 (8) For NPDES permits for municipal separate storm
5 sewer systems, the fee is \$1,000.

6 (9) For NPDES permits for construction site or
7 industrial storm water, the fee is \$500.

8 (f) The annual fee for activities under a permit that
9 authorizes applying sludge on land is \$2,500 for a sludge
10 generator permit and \$5,000 for a sludge user permit.

11 (g) More than one of the annual fees specified in
12 subsections (e) and (f) may be applicable to a permit holder.
13 These fees are in addition to any other fees required under
14 this Act.

15 (h) The fees imposed under this Section do not apply to
16 the State or any department or agency of the State, nor to
17 any school district.

18 (h-5) The annual fees applicable to discharges under
19 NPDES permits imposed pursuant to item (i) of subsection (a)
20 of this Section do not apply to not-for-profit organizations
21 exempt under Section 501(c) of the Internal Revenue Code of
22 1986.

23 (i) The Agency may adopt rules to administer the fee
24 program established in this Section. The Agency may include
25 provisions pertaining to invoices, notice of late payment,
26 and disputes concerning the amount or timeliness of payment.
27 The Agency may set forth procedures and criteria for the
28 acceptance of payments. The absence of such rules does not
29 affect the duty of the Agency to immediately begin the
30 assessment and collection of fees under this Section.

31 (j) All fees and interest penalties collected by the
32 Agency under this Section shall be deposited into the
33 Illinois Clean Water Fund, which is hereby created as a
34 special fund in the State treasury. Gifts, supplemental

1 environmental project funds, and grants may be deposited into
2 the Fund. Investment earnings on moneys held in the Fund
3 shall be credited to the Fund.

4 Subject to appropriation, the moneys in the Fund shall be
5 used by the Agency to carry out the Agency's clean water
6 activities.

7 (k) Fees paid to the Agency under this Section are not
8 refundable.

9 (Source: P.A. 93-32, eff. 7-1-03.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.